REMARKS

Claims 1-6, 8-11, and 14-18 are pending. Claims 1-6 and 14-18 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 8 and 14 stand rejected under 35 U.S.C. § 102. Claims 2-6, 9-11, and 15-18 stand rejected under 35 U.S.C. § 103.

Claim 1 has been amended. The term "surface" has been inserted after "sliding" in line 7.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-6 and 14-18 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 1-6 stand rejected based on the language "unobtrusive sliding " used in claim 1 at lines 6-8. Claims 14-18 stand rejected based on the language "unobtrusive surface" used in claim 14 at line 9. Additionally, Examiner states that it is not clear whether the recitation of claim 1 (lines 6-8), containing the term "unobtrusive sliding," is intended to be a further structural limitation.

To address, in part, the rejection of claims 1-6, the term "unobtrusive sliding" in line 7 of claim 1 has been amended to "unobtrusive sliding surface" to correct an error. To address, in part, the rejection of claims 14-18, the term "unobtrusive surface" is intended to have its ordinary meaning (a surface that is not obtrusive or does not protrude).

In regard to whether the recitation of claim 1 (lines 6-8) is a structural limitation, applicant submits that the language "whereby said lower surface maintains a continuous, unobtrusive sliding surface during extended use" (claim 1, lines 7-8, as amended), is intended to define the particular capability of the structural limitation "said lower surface having resilient properties and a consistent, uninterrupted surface" (claim 1, line 6). With respect to the terms "unobtrusive sliding surface" and "unobtrusive surface" as they appear in claim 1 at line 7-8 and claim 14 at line 9, respectively, applicant considers these terms to be structural, but not structural limitations. These terms are considered to be a part of the functional recitations, "whereby said lower surface maintains a continu ous, unobtrusive sliding surface during extended use" and "whereby said bottom surface maintains a consistent and unobtrusive surface when a skateboarder slides across an object such as a

rail or curb on said bottom surface." (Claim 1, lines 7-8, and claim 14, lines 8-10.) The primary functional term in the recitations being the word "maintains."

Applicant argues that the use of functional language in the two above functional recitations is appropriate as these phrases help define the particular capabilities of the structural limitations to the bottom surface of the slide plate. The structural limitations recited include: 1) "said lower surface having resilient properties and a consistent, uninterrupted surface" recited (claim 1, line 6); and 2) "said bottom surface having resilient properties and a consistent, continuous surface" (claim 14, lines 8).

Applicant respectfully seeks reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

Claim Rejections under 35 U.S.C. § 102

Claims 1, 8, and 14 stand rejected under 35 U.S.C. § 102 as being anticipated by Rodriguez , US 2,200,935. Applicant respectfully seeks to traverse the rejections under 35 U.S.C. § 102.

Applicant argues that the structural limitations appearing in claims 1 (line 6), 8 (line 8), and 14 (lines 5-6) distinguish the claimed invention from the chassis taught by Rodriguez. Rodriguez does not teach or describe a chassis having a "consistent bottom surface" as claimed in claims 1, 8, and 14; rather, Rodriguez teaches wood, which is well known in the art to have to an "inconsistent" surface structure. Specifically, Rodriguez teaches a stringer of wood or other desirable material which raises the footboard with respect to the rollers (page 2, column 2, lines 2-5). It is well known in the art that the inconsistent surface structure of wood makes wood vulnerable to abrasion and subsequent erosion or damage to its surface structure. As such, a person of ordinary skill in the art would distinguish the claimed invention, having a plate structurally limited to a "consistent bottom surface," from the lower surface of the wood chassis described by Rodriguez. Additionally, Rodriguez does not describe the structural limitations of claims 1, 8, and 14 and a person of ordinary skill in the art would not read the missing descriptive matter into the Rodriguez disclosure.

Additionally, the term "continuous" (claim 14, line 8) refers to the nature of the claimed slide plate's surface and helps distinguish the surface structure of a slide plate from that of wood (taught by Rodriguez). The term distinguishes the claimed lower surface of the slide plate from wood in that wood is known to vary in structural quality over a given surface span such that the structure of the surface is not continuous. A slide plate, as claimed, can be distinguished from the wood chassis taught by Rodriguez because it has a consistent, continuous surface" structure (claim 14).

The use of the functional recitations in claims 1, 8, and 14 helps distinguish the claimed structural limitations by defining the particular capabilities of the structural limitations of the claimed slide plate. Wood, as taught by Rodriguez, does not have the structural limitations required to: 1) maintain a continuous, unobtrusive sliding surface during extended use (claim 1 lines 7-8); or 2) have a bottom surface "whereby a skateboarder can slide across a surface orientated perpendicular to said elongated slide plate on said lower surface without damaging said lower surface" (claim 8, lines 6-8); or 3) maintain a consistent and unobtrusive surface when a skateboarder slides across an object such as a rail or curb on said bottom surface (claim 14, lines 8-10). As such, the functional limitations help define the structural limitations of the claims and distinguish the claims from the wood surface taught by Rodriguez. Additionally, the functional language helps define the required "resilient properties" (claim 1, line 6, and claim 14, line 8) that a slide plate must possess.

Applicant argues that a person of ordinary skill in the art would distinguish the structural limitations of claims 1, 8, and 14 from the lower surface of the wood chassis described by Rodriguez and would recognize that the lower surface of the wood chassis described by Rodriguez is not capable of performing the functions described in the functional limitations of claims 1, 8, and 14. Additionally, Rodriguez does not describe the structural limitations of claims 1, 8, and 14 and a person of ordinary skill in the art would not read this missing descriptive matter into the Rodriguez disclosure. The relevant portions of each claim including: 1) "said lower surface having resilient properties and a consistent, uninterrupted surface whereby said lower surface maintains a continuous, unobtrusive sliding surface during extended use," (claim1); 2) "said lower surface having a

hard, consistent surface whereby a skateboarder can slide across a surface orientated perpendicular to said elongated slide plate on said lower surface without damaging said lower surface," (claim 8); and 3) "said bottom surface having resilient properties and a consistent, continuous surface whereby said bottom surface maintains a consistent and unobtrusive surface when a skateboarder slides across an object such as a rail or curb on said bottom surface," (claim 14).

Applicant respectfully seeks reconsideration and withdrawal of the rejections of claims 1, 8, and 14 under 35 U.S.C. § 102.

Claim Rejections under 35 U.S.C. § 103

Claims 2, 10, and 16 stand rejected based on the proposition that resilient plastics are well known in the manufacturing arts and it would be obvious for one of ordinary skill in the art at the time of the invention to make the stringer of Rodriguez (US 2,200,935) from resilient plastic to provide a stringer that is lightweight and has high impact strength, thus improving the life-span of the stringer.

Claims 3, 11, 17, and 18 stand rejected based on the proposition that it is well known to adjust the thickness of the structural members of designed mechanism to meet a specific requirement, such as height. As such, it would be obvious for one of ordinary skill in the art at the time of the invention to adjust the thickness of the stringer of Rodriguez (US 2,200,935) for purposes of achieving a desired height.

Claims 6, 9, and 16 stand rejected based on the proposition that it is well known to decrease the size of manufactured elements for purposes of using lesser quantities of material. As such, it would be obvious for one of ordinary skill in the art to decrease the length of the manufactured elements (stringer of Rodriguez '147) for the purpose of using lesser quantities of material.

Applicant respectfully seeks to traverse the rejections under 35 U.S.C. § 103.

Claims 2, 10, and 16

Applicant argues that there is no motivation for a person of ordinary skill in the art to substitute: acrylic; nylon; polycarbonate; polyester; polyethylene; polypropylene;

polystyrene; polyurethane; or polyvinyl chloride (claims 2, 10, and 16) for the stringer (or longitudinal reinforcement member) of wood or other desired material taught by Rodriguez (page 2, column 2, lines 2-3) to provide a stringer that is lightweight and has impact strength. The plastics claimed are significantly less rigid and more dense than wood. A stringer of plastic, having the same dimensions as a wood stringer, will weigh more than the wood stringer and be significantly less rigid. As such, a stringer or longitudinal reinforcement member of the claimed plastics would require an unsuitable increase in the thickness of the stringer to achieve a degree of rigidity comparable to wood, or the other desirable materials, taught by Rodriguez " (page 2, column 2, lines 2-3). The required thickness would also significantly increase the weight of the stringer beyond that of a wood stringer of suitable rigidity. Rodriguez also teaches the use of the stringer to raise the footboard with respect to the rollers (page 2, column 2, lines 4-5). The thickness of a plastic stringer, required to make a comparable stringer or reinforcement member, would raise the footboard to an undesirable level above the rollers. As such, plastics such as acrylic; nylon; polycarbonate; polyester; polyethylene; polypropylene; polystyrene; polyurethane; and polyvinyl chloride would be unsuitable for use as a "stringer" as taught by Rodriguez. A person of ordinary skill in the art would not be motivated to use the claimed plastics to provide a stringer that has high impact strength and is lightweight.

Additionally, applicant argues that it would not be obvious to use the plastics: acrylic; nylon; polycarbonate; polyester; polyethylene; polypropylene; polystyrene; polyurethane; and polyvinyl chloride (of claims 2, 10 and 16) for the stringer taught by Rodriguez to provide a stringer that has high impact strength and is lightweight. Rodriguez teaches away from the use of plastics by teaching a "stringer" or longitudinal reinforcement member made of "wood or other desired material . . . which raises the foot board with respect to the wheels." (page 2, column 2, lines 2-5). A person of ordinary skill in the art at the time of invention, would be discouraged from using the claimed plastics, given the increased thickness and weight required for a plastic stringer to provide rigidity comparable to a wood (or other suitable material) type stringer. Additionally, Rodriguez teaches a brake that would protect the bottom surface of the stringer from impacts or make it undesirable to substitute plastics that are heavier to provide a surface that has high impact

strength. As such, It would not be obvious to substitute plastics for the wood or other desired material taught by Rodriguez to provide a stringer provide a stringer that has high impact strength and is lightweight.

Applicant respectfully seeks reconsideration and requests withdrawal of the rejections of claims 2, 10, and 16 under 35 U.S.C. § 103.

Claims 6, 9, and 15

The applicant argues that the claims listed above are not obvious on the grounds that the limitations of the claims from which they depend are patentably distinguishable from the teachings of Rodriguez (US 2,200,935). Claim 6 depends from claims 1-5, claim 9 depends from claim 8, and claim 15 depends from claim 14.

Applicant respectfully seeks reconsideration and requests withdrawal of the rejections of claims 6, 9 and 15under 35 U.S.C. § 103.

Claims 3, 11, 17 and 18

The applicant argues that claims 3, 11, 17 and 18 are not obvious on the grounds that the limitations of the claims from which they depend are patentably distinguishable from the teachings of Rodriguez (US 2,200,935). Claim 3 depends from claims 1-2, claim 11 depends from claims 8-10, and claims 17-18 depend from claims 14-16.

Applicant respectfully seeks reconsideration and requests withdrawal of the rejections of claims 3, 11, 17 and 18under 35 U.S.C. § 103.

It is respectfully submitted that Applicant has addressed each of the Examiner's rejections. If this reply is found to be incomplete, or a telephone conference can help advance this application, please telephone the undersigned at 202-363-1844.

Respectfully Submitted,

Date 11-06-2003 William C Ronnenberg Jr 48,693

William C. Ronnenberg Jr., Reg. No. 48,693
5410 Connecticut Avenue NW #702
Washington, DC 20015
(202) 363-1844